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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte KENNETH SUGRIM SINGH

Appeal 2009-006324
Application 10/028,574¹
Technology Center 2400

Decided: April 12, 2010

Before MAHSHID D. SAADAT, MARC S. HOFF,
and CARL W. WHITEHEAD, JR., *Administrative Patent Judges*.

HOFF, *Administrative Patent Judge*.

DECISION ON APPEAL

¹ The real party in interest is Koninklijke Philips Electronics N.V.

STATEMENT OF THE CASE

Appellant appeals under 35 U.S.C. § 134(a) from a Final Rejection of claims 1-31. We have jurisdiction under 35 U.S.C. § 6(b).

We reverse.

Appellant's invention concerns a shell within a video receiver for running at least one script which controls the demodulation of broadcast programming during associated periods for display, recording, or both of selected broadcast programming. The scripts are structured to select content based on user-specified descriptive criteria such as title or description keyword, together with associated user-defined priorities, applied in cases of multiple concurrent matches, and user-defined conditions regarding existing viewing of other content, viewer identity, or the like (Abstract).

Claim 1 is exemplary:

1. A system for extending unattended control capabilities for a video receiver comprising:
 - a shell for executing scripts controlling demodulation of broadcast programming; and
 - a memory containing at least one script including a sequence of commands for demodulating selected broadcast programming, wherein the at least one script is executable by the shell to select broadcast programming for demodulation from among one or more concurrently airing programs each matching at least one of a plurality of user-specified descriptive criteria, wherein said at least one script employs associated previously-defined user priorities or conditions to select between conflicting matches or routing options.

The prior art relied upon by the Examiner in rejecting the claims on appeal is:

Harrison	US 5,878,222	Mar. 2, 1999
Inaba	US 5,880,789	Mar. 9, 1999

Williams	US 5,945,988	Aug. 31, 1999
Kitsukawa	US 6,282,713 B	Aug. 28, 2001
Holtz	US 2002/0053078 A1	May 2, 2002
Zigmond	US 6,400,407 B1	Jun. 4, 2002
Lewis	US 2003/0040962 A	Feb. 27, 2003
Goldschmidt Iki	US 6,601,103 B1	Jul. 29, 2003
Liebenow	US 6,601,074 B1	Jul. 29, 2003

Microsoft Computer Dictionary, Third Edition. Microsoft Press, Microsoft Corporation, pp. 1-3, 1997.

Dictionary.com.:

<http://dictionary.reference.com/browse/scripting%20language>

<http://dictionary.reference.com/browse/interpreter>

IEEE 100, The Authoritative Dictionary of IEEE Standards Terms, Seventh Edition, Standards Information Network, IEEE Press, pp. 1-3, 2000.

Claims 1, 3, 8, 10, 11, 15-18, 22, 23, 26, and 31 stand rejected under 35 U.S.C. 102(b) as being anticipated by Harrison.

Claims 2 and 9 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Harrison in view of Goldschmidt.

Claims 4 and 5 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Harrison in view of Kitsukawa.

Claims 6, 7, 13, 14, 20, and 21 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Harrison in view of Zigmond.

Claims 12 and 19 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Harrison in view of Liebenow.

Claim 23 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Harrison in view of Inaba.

Claims 24, 25, 28, and 30 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Harrison in view of Williams.

Claim 27 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Harrison in view of Holtz.

Claim 29 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Harrison in view of Lewis.

Rather than repeat the arguments of Appellant or the Examiner, we make reference to the Appeal Brief (filed November 13, 2007), the Reply Brief (filed May 16, 2008), and the Examiner's Answer (mailed March 19, 2008) for their respective details.

ISSUE

The Examiner finds that since the video signals of Harrison are tuned out of the several being broadcast in response to user-specified channel information in the profile unit 260, Harrison discloses a script that controls demodulation of broadcast programming as claimed (Ans. 17).

Appellant contends that Harrison discloses using the signal processing and selection unit (SPSU) 104 to select one of a plurality of *already* demodulated television signals to display or record, since the signal is tuned and decoded prior to being analyzed (App. Br. 8).

Appellant's contentions present us with the following issue:

Does Harrison disclose a shell that executes scripts for controlling the demodulation of broadcast programming for display and recording?

FINDINGS OF FACT

The following Findings of Fact (FF) are shown by a preponderance of the evidence.

The Invention

1. According to Appellant, the invention concerns a shell within a video receiver for running at least one script which controls the demodulation of broadcast programming during associated periods for display, recording, or both of selected broadcast programming. The scripts are structured to select content based on user-specified descriptive criteria such as title or description keyword, together with associated user-defined priorities, applied in cases of multiple concurrent matches, and user-defined conditions regarding existing viewing of other content, viewer identity, or the like (Abstract).

Harrison

2. Harrison discloses a personal computer (PC) having a television technology that enables a PC user to receive and display TV signal by incorporating a signal processing and selection unit (SPSU) 104 that includes a plurality of tuners 200 coupled to a plurality of decoding units 240 for receiving, tuning and decoding video signals. Responsive to the decoded signals 245 and predefined profile information from the profile unit 260, the analyzing units 250 determine whether the video signals being monitored by the tuning units 200 include predefined items of interest to the user (Figs. 1 and 2; col. 3, ll. 1-15; 47-67).

3. Harrison discloses that the analyzing unit 250 uses a user specified predefined list of data including “triggers” and items of channels stored in the profile unit 260 and the decoded channel data from the decoding

unit 240 to determine which channels to display to the user. For example, the user may define a list of text of interest, such as monitoring the business channel so that anytime the word "Intel" is detected, the tuner automatically pre-empts the current channel being displayed. The list of data stored in the profile unit 260 is prioritized so that the user is not overwhelmed with various channels with predefined items of interest for the user to watch at the same time (Figs. 1 and 2; col. 4, ll. 40-57).

PRINCIPLES OF LAW

Anticipation pursuant to 35 U.S.C § 102 is established when a single prior art reference discloses expressly or under the principles of inherency each and every limitation of the claimed invention. *Atlas Powder Co. v. IRECO Inc.*, 190 F.3d 1342, 1347 (Fed. Cir. 1999); *In re Paulsen*, 30 F.3d 1475, 1478-79 (Fed. Cir. 1994).

On the issue of obviousness, the Supreme Court has stated that “the obviousness analysis cannot be confined by a formalistic conception of the words teaching, suggestion, and motivation.” *KSR Int’l Co. v. Teleflex Inc.*, 550 U.S. 398, 419 (2007). Further, the Court stated “[t]he combination of familiar elements according to known methods is likely to be obvious when it does no more than yield predictable results.” *Id.* at 416. “One of the ways in which a patent’s subject matter can be proved obvious is by noting that there existed at the time of the invention a known problem for which there was an obvious solution encompassed by the patent’s claims.” *Id.* at 419-420.

ANALYSIS

Claims 1, 3, 8, 10, 11, 15, 18, 22, 23, 26, and 31

Independent claim 1 recites “a shell for executing scripts controlling demodulation of broadcast programming.”

The Examiner finds that the tuning and demodulating disclosed in Harrison are selected in response to user-specified channel information within the profile (Ans. 17). The Examiner finds that since the video signals are tuned out of the several being broadcast in response to user-specified channel information in the profile unit 260, Harrison discloses a script that controls demodulation of broadcast programming as claimed (Ans. 17).

Appellant contends that Harrison discloses using the signal processing and selection unit (SPSU) 104 to select one of a plurality of *already* demodulated television signals to display or record, since the signal is tuned and decoded prior to being analyzed (App. Br. 8, FF 2).

Although Harrison does disclose a video receiver having a predefined profile of information including triggers wherein a user may select which broadcasts are displayed at specific times, Harrison does not disclose that, *prior to* demodulation of the signal, a shell executes a script that selects broadcasts to be demodulated. Specifically, Harrison discloses that, *responsive to the decoded signals 245*, the analyzing unit 250 determines whether the video signals being monitored by the tuning units 200 include predefined items of interest to the user (FF 2).

We find that Harrison does not teach all the limitations of independent claims 1 or that of independent claims 8, 15 and 22, having limitations of similar scope. Thus, we find error in the Examiner’s rejection of claims 1, 3,

8, 10, 11, 15, 18, 22, 23, 26, and 31 under 35 U.S.C. § 102(b) as anticipated by Harrison, and we will not sustain the rejection.

Claims 2, 4- 7, 9, 12-14, 19-21, 23-25, and 27-30

As noted *supra*, we reversed the rejection of independent claims 1, 8, 15, and 22 from which claims 2, 4- 7, 9, 12-14, 19-21, 23-25, and 27-30 depend, respectively. We have reviewed the additional references applied by the Examiner to reject these claims, and find that none of the cited references teach the limitations deemed to be absent from Harrison.

We therefore will not sustain the Examiner's rejections of claims 2, 4- 7, 9, 12-14, 19-21, 23-25, and 27-30 under 35 U.S.C. § 103, for the same reasons expressed with respect to the rejection of parent claims 1, 8, 15 and 22, *supra*.

CONCLUSION

Harrison does not disclose a shell that executes scripts for controlling the demodulation of broadcast programming for display and recording.

ORDER

The Examiner's rejection of claims 1-31 is reversed.

Appeal 2009-006324
Application 10/028,574

REVERSED

ELD

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